

May 12, 2011
James Ackerman, Mayor
City of Nooksack
103 W Madison Street
P.O. Box 4265
Nooksack, WA 98276

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Postal Regulatory Commission
Office of the Chief Admin. Officer

MAY 16 2011

Secretary of the Commission
Postal Regulatory Commission
901 New York Avenue NW, Suite 200
Washington, D.C. 20268-0001

**Re: Application for Suspension of Closure of the Nooksack Post Office,
Nooksack, Washington 98276.**

Dear Sir/Madam:

Please accept this letter as Appellant, the City of Nooksack's application for suspension of the determination of the Postal Service to close the Nooksack post office pending the outcome of the appeal to the Postal Regulatory Commission.

The City of Nooksack, Washington has submitted a Petition for Review of the United States Postal Service's determination to close the Nooksack post office located at 605 Nooksack Avenue, Nooksack, WA 98276. The Nooksack post office is currently scheduled to be open until May 27, 2011 and will be vacated and thus closed after that date.

In connection with the Petition, the City of Nooksack is submitting the present application for suspension of the closure of the Nooksack post office pending the outcome of the appeal, as allowed under 39 C.F.R. §3001.114.

The City of Nooksack desires to prevent a situation in which the post office closure has been put on an irreversible course prior to the Postal Regulatory

Commission's decision whether to reverse the decision of the U.S. Postal Service. The City believes it will suffer an irreparable injury if the Regulatory Commission allows for the post office to close during the pendency of the appeal. The City also wants to avoid a situation in which some of the current post office box holders at the Nooksack post office change their address to home delivery and put up mail boxes unnecessarily in the event the Regulatory Commission requires the Postal Service to keep the Nooksack post office open. Again, the City of Nooksack believes an irreparable injury will occur if the Regulatory Commission allows the Postal Service to close the post office during the pendency of the appeal.

The City of Nooksack also believes that the public interest would be served by granting the City of Nooksack's suspension application. If the Postal Service were allowed to irreversibly close post offices while appeals were pending to overturn those closures, the statute providing appeal rights to users of those post offices would be rendered meaningless.

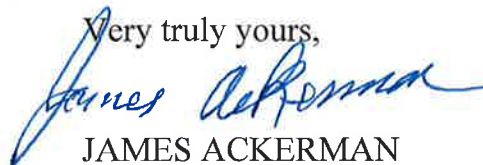
Although the Postal Service has given its notice to the private landlord of the Nooksack post office attached as Exhibit "F" is a letter sent by the landlord to Virginia Radder, Nooksack City Clerk. The letter sets forth that the landlord is willing to rent to the U.S. Postal Service the space currently occupied by the Nooksack post office on a month-to-month basis during the pendency of the appeal. As such, given the landlord's willingness to continue to rent to the U.S. Postal Service, there does not appear to be any substantial injury to other parties.

The appeal process could take about 4 months with a decision being made by the Postal Regulatory Commission during early September, 2011. This is based on the 120 day time period from receipt of the appeal that is set forth in 39 U.S.C. §404(d)(5). Upon the passage of 4 months, the proposed closure of the Nooksack post office might be irreversible even if the Postal Regulatory Commission reversed or remanded the closure to the Postal Service and even if the Postal Service's further consideration would have led to a decision to keep the post office open. If the post office is allowed to be closed pending the appeal there is every reason to believe that were this matter remanded to the Postal Service for further consideration the post office being closed during the appeal would undoubtedly affect any further consideration the Postal Service might conduct.

As to the citizens of Nooksack they are being asked to make an election by the Postal Service as to whether they want to install a curb side box or rent a new post office box at the nearby municipality of Everson. These post office box holders should not need to make these arrangements until it is determined with finality the fate of the Nooksack post office.

A notarized statement from Virginia Radder, City Clerk of the City of Nooksack, in support of this application is attached as Exhibit "G".

Respectfully submitted this 12th day of May, 2011.

Very truly yours,

JAMES ACKERMAN
Mayor, City of Nooksack